



## Montana Fish, Wildlife & Parks

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Ref:DV280-00.doc  
October 25, 2000

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Dept. of Environmental Quality, Metcalf Bldg., PO Box 200901, Helena, 59620-0901  
Montana Fish, Wildlife & Parks: Director's Office - Rich Clough; Wildlife Division - Fay Moore; Legal Unit - Legal Secretary; Enforcement - Tim Feldner  
MT Historical Society, State Historic Preservation Office, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201  
Montana State Parks Association, PO Box 699, Billings, 59103  
Montana State Library, 1515 East Sixth Avenue, Helena, 59620-1800  
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Stan Frasier, Montana Wildlife Federation, PO Box 1175, Helena, 59624  
Steve J. Kvapil & Barbara D. Wuertz, PO Box 7483, Kalispell, 59901  
Flathead County Library, 247 First Avenue E., Kalispell, 59901  
Flathead County Library, Columbia Falls Branch, 130 Sixth St. W., Columbia Falls, 59912  
Flathead Regional Development Office, 723 Fifth Av. E., Rm. 414, Kalispell, 59901  
Flathead County Commissioners, 800 S. Main, Kalispell, 59901  
Rep. Stanley Fisher, 76 Golf Terrace, Bigfork, 59911  
Rep Douglas Wagner, PO Box 190021, Hungry Horse, 59919-0021  
Rep. Darrel Adams, 155 Eastland Crossroad, Columbia Falls, 59912  
Sen. John Harp, 53 Willow Drive, Kalispell, 59901  
Sen. Bob Keenan, Box 697, Bigfork, 59911-0697  
Gerri Backes, 720 White Basin Rd., Kalispell, 59901  
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John Smart, 125 Humbolt Loop, Helena, 59601  
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Flathead Wildlife, PO Box 4, Kalispell, 59903  
Steve Thompson, Natural Resource Consulting, Box 4471, Whitefish, MT 59937

Ladies and Gentlemen:

Montana Fish, Wildlife & Parks has completed the proposed Decision Document for the **Desert Mountain** alternative livestock facility license. A copy is enclosed for your information.

Sincerely,

Dan Vincent  
Regional Supervisor

/nli

Enclosure

c: Kevin Coates  
Perry Brown

Flathead 305



**DESERT MOUNTAIN ELK RANCH, LLC, ALTERNATIVE LIVESTOCK FACILITY  
REVISED DECISION DOCUMENT  
October 25, 2000**

**PROPOSED ALTERNATIVE LIVESTOCK FACILITY APPLICATION**

The Montana Fish, Wildlife & Parks (FWP) received an application for an elk alternative livestock facility dated June 22, 1998, from Steve Kvapil and Barbara Wuertz, P. O. Box 7483, Kalispell, MT 59901, to construct the Desert Mountain Elk Ranch, LLC, alternative livestock facility in Flathead County, Montana. FWP personnel discussed several issues with the applicants and incorporated clarifications in a letter to the applicants dated August 19, 1998 (FWP, 1998). The proposed alternative livestock facility would be located immediately south of Coram, Montana. The applicants live within the perimeter of the proposed alternative livestock facility site, which is crossed by a utility easement. The Proposed Action consists of two phases: Phase I consists of placing up to 15 elk on approximately 18 acres, and Phase II consists of adding up to 45 additional elk after enlarging the alternative livestock facility by 15.5 acres. The entire alternative livestock facility would therefore consist of up to 60 elk and 33.5 acres.

Phase I includes the quarantine and handling facilities and the pasture forming the southeast portion of the alternative livestock facility (Figure 2). Phase II includes the west and north pastures. The purpose of the alternative livestock facility is to provide breeding stock, and meat and antler production. There would be no fee shooting by the public at the alternative livestock facility (FWP, 1998). Elk initially released into the proposed alternative livestock facility would come from the Sun River alternative livestock facility in Vaughn, Montana; additional elk may be obtained from other alternative livestock facilities.

The applicants would sell and dispose of domestic elk in accordance with Montana alternative livestock facility and disease control requirements stipulated in Montana statute and administrative rules. Fence construction would be in accordance with requirements of FWP under ARM 12.6.1503A and proposed changes to these rules. Fencing would consist of 8-foot high, 6-inch mesh, high tensile big game fencing supported by 11-foot long, 2<sup>3/8</sup>-inch steel pipe set 3 feet into the soil and spaced at 20-foot intervals. Corner posts would be 2<sup>7/8</sup>-inch steel pipe set 3 feet into the soil and would be braced. Gates in and around the handling facility would be solid wood. The remaining gates would be 8 feet high and consist of a 2-inch diameter metal tubing frame with 6-inch mesh fencing. All gates would have one latching and one locking device.

The residential area and driveway would be fenced out of the alternative livestock facility. Five gates would adjoin the residential area. The fence along the south side of the property adjoining U.S. Forest Service land would follow an old logging road. The fence would be installed on the north side of the roadbed to exclude the road from the alternative livestock facility. One gate would be located in this south fence at the utility easement. Access to the easement by utility crews would be controlled and occur only while the alternative livestock facility operators or a representative are at the site (Kvapil, 1998). One gate would also be located in the east fence of the north, Phase II pasture. The quarantine facility and handling pens would be constructed according to the standards and approval of the Montana Department of Livestock (DoL).

## THE MONTANA ENVIRONMENTAL POLICY ACT PROCESS (MEPA)

Pursuant to MEPA, FWP is required to assess the impacts of the proposed action to the human environment. FWP completed a Draft Environmental Assessment of the proposed alternative livestock facility November 2, 1998. During this process, it was determined that a full Environmental Impact Statement would not be required. The Draft EA was distributed to the Montana Environmental Quality Council, Montana Department of Health and Environmental Quality, Montana Historical Society, Montana State Library, Montana Department of Livestock, FWP Regional Offices, Flathead County Commissioners, area Legislators, Flathead Regional Planning Office, Flathead County Library, and interested individuals. FWP had legal notices printed in the local newspaper. Requests for comments on this proposed alternative livestock facility were also published in the State Bulletin Board and the Region's News Release.

## ISSUES OF CONCERN IN THE EA

The EA process identified no significant environmental impacts that could not be mitigated. Most issues raised in public comments are addressed in various ARM Rules and statutes specific to alternative livestock facilities. Local ordinances will not be violated by the proposed action. Federal and state laws governing the operation of the business must be complied with.

## SUMMARY OF PUBLIC COMMENTS AND FWP RESPONSES

Public comments for the Desert Mountain Elk Ranch, LLC, alternative livestock facility Draft EA were accepted from November 2 through November 23, 1998. FWP received six public comment letters during that time. Substantive comments and questions are reproduced below with FWP responses. Public comments are considered substantive if they relate to inadequacies or inaccuracies in the analysis or methodologies used in the Draft EA; or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements or interpretations of impact significance. Comments which express personal preferences or opinions on the proposal rather than on the evaluation itself are included, but are not specifically addressed by FWP response. The following public comments are paraphrased from the original comment letters for purposes of highlighting the substantive issues.

### Written Comment Letter No. 1

#### **Issue 1a:**

*Wild animals belong to the public. There is a long Montana tradition of public ownership of wildlife with its fair harvest open to all and participated in by many.*

#### **Response to Issue 1a:**

Comment noted.

#### **Issue 1b:**

*Montana's native wildlife co-evolved with the terrain, vegetation, water, and climate. Elk farm husbandry breeds out the wildness.*

#### **Response to Issue 1b:**

Comment noted.



**Issue 1c:**

*Elk farming is a business so destructive in the Montana context that it should not be permitted.*

**Response to Issue 1c:**

Comment noted.

**Issue 1d:**

*The sheer scale of the alternative livestock facility business, the poor husbandry, the illegal traffic in game animals, the poor enforcement of regulations and the powerful political lobbies supporting it, will make lawbreaking and disease spread inevitable.*

**Response to Issue 1d:**

FWP and DoL periodically inspect alternative livestock facilities to ensure continued compliance with the license and regulations, including disease monitoring.

**Written Comment Letter No. 2**

**Issue 2a:**

*Concern regarding diseases with domesticated wild animals.*

**Response to Issue 2a:**

See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

**Issue 2b:**

*The State is not able to properly check all the alternative livestock facilities. The fees do not cover the costs of proper supervision.*

**Response to Issue 2b:**

FWP attempts to check all alternative livestock facilities on a periodic basis; however, time available for such inspections is limited. While it is true that fees do not cover the cost of managing the alternative livestock facility program, fees for alternative livestock facilities are established by the state legislature and cannot be changed without action by the legislature.

**Issue 2c:**

*The process of cutting off elk antlers is cruel and causes the animal much pain.*

**Response to Issue 2c:**

FWP has no regulatory authority to dictate how elk antlers are harvested in an alternative livestock facility.

**Issue 2d:**

*Public sentiment everywhere is against alternative livestock facilities.*

**Response to Issue 2d:**

Comment noted.

### Written Comment Letter No. 3

#### **Issue 3a:**

*Alternative livestock facilities benefit only the greedy and destroy the very idea of true and ethical hunting.*

#### **Response to Issue 3a:**

Hunting is not allowed by this permit.

### Written Comment Letter No. 4

#### **Issue 4a:**

*Concern about disease threat and genetic harm.*

#### **Response to Issue 4a:**

Prior to importation into Montana, alternative livestock facility animals must be examined by an accredited veterinarian and test negative for tuberculosis, brucellosis, and other diseases and must test negative for red deer hybridization. See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

#### **Issue 4b:**

*Concern about fencing off habitat.*

#### **Response to Issue 4b:**

Fencing of the proposed 33.5 acre alternative livestock facility would preclude a few white-tailed deer from using the area, but it would not cause significant deterioration of any critical wildlife habitat either directly by excluding big game or indirectly by blocking a migration corridor.

#### **Issue 4c:**

*Concern about corruption of the notion of fair chase.*

#### **Response to Issue 4c:**

Permit does not include fee shooting.

### Written Comment Letter No. 5

#### **Issue 5a:**

*The real threat of chronic wasting disease (CWD) does not seem to be a concern.*

#### **Response to Issue 5a:**

On November 11, 1998, the Governor's office and DoL issued an emergency rule that any alternative livestock facility animal brought into Montana from another state must have resided for at least 12 months on the "alternative livestock facility of origin" to allow closer monitoring and tracking of the animal and the potential for disease. The rule requires the animals to have undergone CWD surveillance and testing. In Montana, the rule calls for herd surveillance, testing, and scientific review and quarantines, when necessary. See pages 45-46 of the Draft EA for additional information regarding CWD.

## Written Comment Letter No. 6

### **Issue 6a:**

*Concerns regarding safety and disease.*

#### **Response to Issue 6a:**

There will be no public shooting of elk at the proposed alternative livestock facility. See pages 37-38 of the Draft EA for additional information regarding potential human safety and disease transmission.

### **Issue 6b:**

*It is disturbing that the proposed alternative livestock facility is adjacent to official USDA Forest Service winter range at Desert Mountain, Flathead National Forest. The site is located in a known wildlife corridor. What are the impacts and mitigations?*

#### **Response to Issue 6b:**

See Figure 3 and pages 30-32 of the Draft EA for information regarding winter range, big game distribution, and potential impacts to wildlife. Pertinent stipulations and mitigations are described on pages 6-8 of this Final EA document.

### **Issue 6c:**

*Chronic wasting disease (CWD) and diseases like it are incredibly big issues. Does the EA address it?*

#### **Response to Issue 6c:**

See Response to Issue 5a above.

### **Issue 6d:**

*Concern that the potential concentration of elk per acre at the proposed alternative livestock facility will allow diseases to spread more readily.*

#### **Response to Issue 6d:**

See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

### **Issue 6e:**

*Concerns regarding impacts on water quality, vegetation, and potential to spread disease through streams.*

#### **Response to Issue 6e:**

See pages 24-26 and 28-29 in the Draft EA for information regarding water quality and vegetation. No perennial streams are present at the proposed alternative livestock facility.

## MITIGATION MEASURES

The mitigation measures described in this section address both minor and significant impacts for the proposed action. Potential minor impacts from the Proposed Action are addressed as



mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but not required.

## RECOMMENDED MITIGATION MEASURES

The following mitigation measures address additional impacts identified in the EA that are likely to result from the Proposed Action:

- Revegetate soils disturbed by fence construction activities or the elk.
- Maintain a reasonable stocking rate within the alternative livestock facility enclosure to minimize changes in soil structure and potential increases in runoff and erosion from disturbed ground. A "reasonable stocking rate" is defined on the first page of *Part II - Environmental Review* of the Draft EA (p. 19); additional information regarding a reasonable stocking rate for the site is provided under *Part II -Section 4 (Vegetation)* of the Draft EA (pp. 27-28).
- Dust management activities include spraying water on unpaved roads during the dry season, vegetating exposed ground where possible, protecting soil piles from wind erosion, and limiting ground disturbance to the area necessary to complete the job.
- Employ the following best management practices (BMPs) to reduce odor problems if they occur: (1) quickly incorporate waste into soil by plowing or disking; (2) spread waste during cool weather or in the morning during warm, dry weather; and (3) dispose of animal carcasses off site in approved sanitary facility. These and other BMPs are described in "Guide to Animal Waste Management and Water Quality Protection in Montana."
- Maintain a reasonable stocking rate in the alternative livestock facility area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts could also be minimized by disposing of dead animals and excess fecal material at a site isolated from surface water and groundwater (disposal must meet county solid waste regulations).
- For any areas having erosion and sedimentation problems, utilize BMPs where runoff could enter the intermittent drainage. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences.
- Monitor the proposed alternative livestock facility site for invasion of noxious weeds and treat affected areas in a timely manner.
- Provide supplemental feed to the elk on a year-long basis to reduce the probability of overgrazing on the proposed alternative livestock facility.
- Store hay, feed, and salt away from exterior fences or enclosed in bear-resistant containers or buildings.
- Feed alternative livestock facility animals at interior portions of the enclosure and not along the perimeter fence. Due to the presence of both grizzly and black bears in this area, it is extremely important to limit the exposure of elk feed to bears.

- Inspect the exterior alternative livestock facility fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators, and other game animals.
- Remove snow on either side of the enclosure fence as required to prevent ingress and egress.
- Limit noisy construction activities to daylight hours and complete work as quickly as possible.
- Stock a minimal number of bulls to minimize bugling during the mating season.
- Stop work in the area of any observed archeological artifact. Report discovery of historical objects to the Montana Historical Society in Helena.

### THE DECISION AND REQUIRED STIPULATIONS

After reviewing this application, the Draft EA, and public comments, I approve issuing a license with the following additional stipulations:

#### **REQUIRED STIPULATIONS**

The following stipulations are imposed by FWP for the Desert Mountain Elk Ranch, LLC, alternative livestock facility and are designed to mitigate significant impacts identified in the EA to below the level of significance:

##### **Requirements:**

The charger/energizer unit(s) be checked daily and the electrified fence(s) operate and be maintained on a year-round basis.

A 3-wire electrified fence array fully enclose the perimeter of the alternative livestock facility (yellow line on the diagram, Appendix A) with the following exception(s):

1. The perimeter of the north pasture of Phase II (pink line on the diagram, Appendix A) be fully enclosed by a single, electrified wire mounted 6 inches above the Tightlock perimeter fence. A single top wire was deemed adequate for this area with the stipulation that in the event of a bear or lion attempting to or successfully breaching the fence by any means (i.e., digging, climbing, etc.), a 3-wire array be immediately installed around the entire perimeter.
2. A single electrified top wire fully enclose that portion of the Tightlock perimeter fence paralleling the driveway from the easement line west, then south to the corner where the fence turns southeast (blue line on diagram, Appendix A).

##### **Design Specifications:**

The 3-wire array consist of 3 strands of 12.5 gage, high-tensile steel, electrified wire, offset from the Tightlock perimeter fence 6 – 12 inches, at heights of 12, 30, and 48 inches above ground level.




The top wire consist of 1 strand of 12.5 gage, high-tensile steel, electrified wire placed 6 inches above the Tightlock perimeter fence.

All electrified wires have a minimum output of 5000 volts at 5.0 joules and be grounded to the appropriate Tightlock perimeter fence.

The Tightlock perimeter fence(s) be connected to the grounding terminal of the charger/ energizer unit(s) and to 3 ground rods of at least 5 feet in length, spaced 10 feet apart.

This stipulation is imposed to protect the alternative livestock facility fence from damage by bears. The electrified fence is designed to prevent bears from digging under or climbing over the alternative livestock facility fence. The electrified fence would also reduce the chances of ingress by other predators, such as wolves, lions, and coyotes. Verifying operation of the charger would alert the alternative livestock facility operators to shorting of the electrified wire potentially due to fence damage. If fence integrity or ingress/egress become a problem, adjustment of fence requirements to include double fencing, additional electrification, or increased height may become necessary.

  
Daniel P. Vincent

10/25/00  
Date

Steve Kvapil

Date

Barbara Wuertz

Date

SEVILLE LANE

West Glacier

U.S. Highway

Main Road  
To House

Exterior Boundary

Cross Fences

GATES

EASEMENTS

Watering Stations \*

Feeding Stations \*

Phase Two of Construction

3 wire array

Top wire

Top wire with

stipulations

QUARANTINE FACILITY

Double Fence

HAY SHED

Cabin

MAIN HOUSE

Holding PEN

Holding PEN

HANDLING, Loading & Unloading Facility

Gate For Easement

Gate For Easement